

**REMARKS**

By this amendment, Applicants amend claims 1, 11, and 21. Claims 1-22 remain pending in this application.

At the outset, Applicants wish to thank the Examiner for taking the time to discuss the present application during a telephonic interview with Applicant's undersigned representative on September 7, 2006. During the interview, the pending independent claims and Cook et al. (U.S. Patent No. 5,727,950) were discussed. Furthermore, the Examiner and the undersigned discussed a possible amendment to the independent claims. No agreement was reached.

In the Office Action,<sup>1</sup> the Examiner rejected claims 1-22 under 35 U.S.C. § 102(b) as being anticipated by Cook et al. Applicants respectfully traverse the rejection. To properly anticipate Applicants' claimed invention under 35 U.S.C. § 102(b), the Examiner must demonstrate the presence of each and every element of the claim in issue, either expressly described or under principles of inherency, in a single prior art reference. Furthermore, "[t]he identical invention must be shown in as complete detail as is contained in the . . . claim." See MPEP § 2121, quoting Richardson v. Suzuki Motor Co., 868 F.2d 1126, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). Finally, "[t]he elements must be arranged as required by the claim." MPEP § 2131. In this case, the rejection under 35 U.S.C. § 102(b) should be withdrawn because Cook et al. does not teach all of the features of the claims.

---

<sup>1</sup>The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

Independent claim 1, as amended, recites a computer-implemented method for curriculum management including, among other features, “defining a curriculum type that includes one or more curriculum type elements, . . . wherein the curriculum type elements are arranged according to a curriculum type definition that specifies interchangeable or alternative curriculum type elements that provide valid sequences of the curriculum.” Cook et al. does not teach or suggest at least this feature of claim 1.

According to the Cook et al. system, a “designer chooses names for . . . [a] task and exercise, its prerequisites, and the skills to be acquired.” See col. 32, lines 29-32. “[G]lobal parameters set by the agent . . . control the materials and are preferably state variables that the materials sequencing logic references in order to make educationally significant sequencing decisions.” See col. 51, lines 19-22. Examples of these “state variables” include simple flags that control the availability of hints and parameters that control the rate of new concept introduction, the density of examples, or the speed of exercises. See col. 51, lines 25-31. Thus, the Cook et al. system regulates the presentation of materials to a student during a course. However, such regulation does not disclose or teach Applicants’ claimed process for “defining a curriculum type” or the provision for “curriculum type elements,” as claimed. Specifically, the Cook et al. system does not disclose or teach “defining a curriculum type that includes one or more curriculum type elements, . . . wherein the curriculum type elements are arranged according to a curriculum type definition that specifies interchangeable or alternative curriculum type elements that provide valid sequences of the curriculum,” as required by independent claim 1. Despite the sections of Cook et al. highlighted by the Examiner in the Office Action, Cook et al. does not disclose or teach such features, including

arrangement of the interchangeable or alternative curriculum type elements that provide valid sequences. Therefore, the Examiner should withdraw the rejection of claim 1 under 35 U.S.C. § 102(b).

Independent claims 11 and 21, while of a different scope from claim 1 and each other, have been amended to include recitations similar to that of claim 1. Thus, for reasons similar to that given above for claim 1, Cook et al. does not anticipate claims 11 and 21 and the Examiner should withdraw the rejection of these claims under 35 U.S.C. § 102(b).

Claims 2-10, 12-20, and 22 depend from independent claims 1, 11, or 21 and, therefore, are not anticipated by Cook et al. at least due to their dependence from one of the independent claims. Therefore, the Examiner should also withdraw the rejection of claims 2-10, 12-20, and 22 under 35 U.S.C. § 102(b).

### CONCLUSION

In view of the foregoing remarks, Applicants request the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: September 25, 2006

By:   
Anthony J. Lombardi  
Reg. No. 53,232